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The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Motorola Communications & Electronics, Inc.  
File: B-223715  
Date: September 19, 1986

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### DIGEST

1. Allegation that awardee will not be able to provide equipment that conforms to the requirements of the solicitation raises an issue involving the agency's determination that the awardee is responsible, a matter the General Accounting Office generally does not review.
2. Whether an awardee's delivered equipment actually conforms to the contract requirements is a matter of contract administration and is not encompassed by the General Accounting Office's bid protest function.

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### DECISION

Motorola Communications & Electronics, Inc. (Motorola), protests the award of any contract to General Electric Company (GE) under invitation for bids (IFB) No. DAKF70-86-B-0045, issued by the Department of the Army for furnishing and installing radio systems at Forts Richardson, Wainwright, and Greely, Alaska. Motorola contends that it is impossible for GE's system to meet the technical requirements of the solicitation.

We dismiss the protest.

Motorola asserts that GE's system cannot meet the statement of work requirement that the military police (MP) nets at Forts Richardson, Wainwright and Greely be capable of internetting with the criminal investigation (CID) VHF radio set in the data encryption standard (DES) mode. Paragraph 3.1.2.2.4 notes that the CID net consists of Motorola equipment, and provides that crosspatch through the communications console to accomplish internetting is acceptable. The paragraph further requires that:

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- "There shall be no significant degradation of communications when the two systems are cross-patched together. Voice recognition shall be retained through the two systems (MP and CID) when crosspatched together."

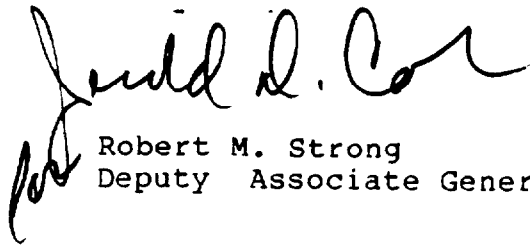
Motorola alleges that its system and GE's are generally incompatible, and that GE will not be able to meet the solicitation requirement for voice recognition in crosspatched, encrypted systems because the only viable method for crosspatching the two systems will result in unintelligible voice.

The Army responds that it verified that the performance requirements of paragraph 3.1.2.2.4 are obtainable and there is no reason to believe that GE cannot meet them.

Motorola does not allege that the equipment described in GE's bid does not conform to the brand name or equal purchase description in technical exhibit 1 of the solicitation, or that GE's bid took exception to any requirements. Rather, the protester challenges the awardee's ability to provide equipment that will have the required operating capabilities. A bidder's ability to provide equipment in accord with solicitation requirements is a matter of responsibility, that is, the ability to perform a contract according to the specifications. See Nicolet Biomedical Instruments, B-219234, Aug. 28, 1985, 85-2 C.P.D. ¶ 239. The contracting officer must determine that a prospective contractor is responsible before awarding a contract to that firm, and our Office does not review an affirmative determination of responsibility absent a showing that the contracting officer may have acted fraudulently or in bad faith, or that definitive responsibility criteria in the solicitation have not been met. 4 C.F.R. § 21.3(f)(5) (1986); Domar Industries, B-209861, Dec. 30, 1982, 82-2 C.P.D. ¶ 589. Neither exception is applicable here.

Moreover, whether the equipment a contractor delivers actually complies with the performance obligation resulting from an award is a matter of contract administration. This is the responsibility of the procuring activity and is not encompassed by our bid protest function. 4 C.F.R. § 21.3(f)(1); see Spacesaver Systems, Inc., B-218581, May 8, 1985, 85-1 C.P.D. ¶ 515.

The protest is dismissed.

A handwritten signature in black ink, appearing to read "Robert M. Strong". The signature is written in a cursive, flowing style with a large initial "R".

Robert M. Strong  
Deputy Associate General Counsel